

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$40,000.00 IN UNITED STATES CURRENCY,

Defendant.

JOHN R. GAGLIARDI,

Claimaint.

Case No. 3:13-CV-0405-LRH (VPC)

ORDER

This order concerns the motion of claimant John Gagliardi to compel the Reno Police Department (“RPD”) and Sparks Police Department (“SPD”) to respond more fully to the subpoenas issued to each entity in January 2014 (#38). The parties fully briefed the motion, and at the March 27, 2014, case management conference, the parties agreed that the City of Reno could file an opposition to which claimant would reply (#47). They did so, and they then met and conferred and resolved many of the outstanding discovery disputes. The court then ordered the parties to meet and confer a final time and report what disputes remain (#61).

1. Sparks Police Department

The claimant and the Sparks Police Department resolved their outstanding discovery disputes (#69), and claimant withdrew his motion to compel as it concerns the Sparks Police Department (#64).

1 **2. The Reno Police Department**

2 The claimant filed his supplemental case management reports (#68), as did the RPD
3 (#67). There remain five disputed requests for production of documents, and each is addressed
4 in turn.

5 A. *Request for Production (“RFP”) No. 3: Any and all reports, legal actions,*
6 *lawsuits, claims, lists, financial records, data, information, records*
7 *regarding the RPD’s seizure of currency in 2013, 2012, 2011.*

8 The City of Reno produced its equitable sharing and agreement for fiscal years 2011 and
9 2012 in respect to claimant’s requests for records regarding currency seizures from 2011 through
10 2013. It also produced a spreadsheet to provide annual totals for seizures for the years 2011
11 through 2013. The City of Reno also identified one lawsuit against RPD involving the seizure of
12 currency, which is pending in state court.

13 Assuming these are all of the documents responsive to RFP No. 3, the City of Reno will
14 confirm in writing that these are all of the documents responsive to claimant’s requests, and shall
15 do so within ten court days from the date of this order.

16 B. *RFP No. 4: Personnel files of RPD Officer Moore*

17 Claimant requested production of Officer Moore’s personnel file to determine whether
18 officers are paid any bonuses or additional benefits for making seizures, such as the seizure of
19 currency from claimant. The City of Reno has confirmed that officers of the RPD do not receive
20 bonuses or pay raises for successful currency seizures (#67, pg. 3). Therefore, claimant has
21 obtained the confirmation he requested, and the personnel file will not be ordered produced.

22 C. *RFP No. 6: Any and all records reflecting interagency agreements*
23 *regarding seizure of property and currency seizures for the period 2011*
24 *through 2013*

25 The City of Reno referred claimant to the RPD Federal Government Request, which has
26 already been produced to claimant. Claimant contends that he needs to know what additional
27 agreements RPD may have with other governmental agencies on this topic. However, RPD
28 contends that it would require RPD to examine numerous mutual aid agreements, memoranda of
understanding, and other agreements between RPD and northern California entities. In addition,

1 the request includes property seizures as well as currency seizures. The court finds that the
2 request is overbroad; therefore, the production of the RPD Federal Government Request satisfies
3 RFP No. 6.

4 *D. RFP No. 7: Any and all citizen complaints, legal claims, court complaints*
5 *made against RPD or the City of Reno relating in any way to the RPD*
6 *seizure of property*

7 The City of Reno has provided claimant with information concerning the lawsuit filed
8 state court in 2014, *Leggett v. RDP, et al.*, Case No. CV14-00589. The court concludes that this
9 response satisfies RFP No. 7.

10 *E. RFP No. 8: Any communications between any officer, employee or agent*
11 *of the RPD and the U.S. Attorney or Deputy U.S. Attorney, and/or the*
12 *United States Department of Justice*

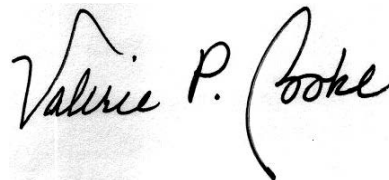
13 Claimant agreed to limit this request to communications about the seizure of claimant's
14 currency. The City of Reno sent email communications in its possession that are responsive to
15 this request and has heard no response from claimant. Therefore, the court concludes that RPD
16 satisfied RFP No. 8, as amended.

17 Based upon the foregoing, the court finds that the parties have resolved all remaining
18 discovery disputes, which were the subject of claimant's motion to compel (#38), and that
19 motion is granted in part and denied in part, consistent with this supplemental order.

20 The City of Reno will confirm in writing that the documents referenced in Section A are
21 all of the documents responsive to claimant's RFP No. 3, assuming they are all of the documents,
22 and shall do so within ten court days from the date of this order.

23 **IT IS SO ORDERED.**

24 Dated: June 23, 2014.



25 UNITED STATES MAGISTRATE JUDGE